

March 13, 2015

The Honorable Jeh Johnson  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Johnson:

We are shocked and disappointed at the Department's (DHS) decision to halt the processing of its H-2B applications in light of a March 4, 2015 decision in *Perez v. Perez*, No. 3:14-cv-682. The Department must immediately coordinate with DOL so that H-2B program can resume as quickly as possible.

The *Perez* decision found that DOL lacks the sole authority to issue formal notice-and-comment rules under the Administrative Procedure Act. It did not require that DOL shut the H-2B program down. This decision along with DHS' decision to stop the processing of its petitions has already caused economic damage and panic among businesses that depend on the H-2B program.

As you know, the H-2B program is a necessity for businesses across the country, such as seafood, hospitality, tourism, forestry and other seasonal industries. These businesses are on the ropes and are fighting every day to survive. In just this year alone, they are facing higher wages because of the prohibition on the use of prevailing wage surveys and many of them won't be able to secure workers because the cap for the 1<sup>st</sup> half of the year was reached in January.

Secretary Johnson, our constituents need a government on their side. Every time there is a bureaucratic rule change or legal interpretation that harms their ability to operate their business, they lose another piece of their livelihood. They need a functioning H-2B program.

We urge DHS, in collaboration with DOL, to immediately issue an emergency rule that will result in the resumption of H-2B processing. In the meantime, we are exploring legislative options to ensure that this happens.

We look forward to hearing from you.

Sincerely,